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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **WESTERN DIVISION**

14 TODD R.G. HILL,

15 Plaintiff,

16 vs.

17 THE BOARD OF DIRECTORS,
18 OFFICERS AND AGENTS AND
19 INDIVIDUALS OF THE PEOPLES
20 COLLEGE OF LAW ET AL.,
21
22 Defendants.

Case No. 2:23-cv-01298-JLS-BFM

DEFENDANT SPIRO'S
STATEMENT of POSITON on
PROPOSED FIFTH AMENDED
COMPLAINT (per MINUTE
ORDER ECF 311)

Motion Before:
Hon. Magistrate Judge
Brianna Fuller Mircheff

Case Assigned to:
Hon. Josephine L. Staton and
Hon. Magistrate Judge
Brianna Fuller Mircheff

1 **A. FILING A FIFTH AMENDED COMPLAINT WOULD**
2 **IMMUNIZE PLAINTIFF FROM THE PENDING MOTIONS TO DISMISS**
3 **WITHOUT LEAVE TO AMEND.**

4 This could go on indefinitely unless the Court puts an end to it, in other
5 words:

- 6 1. Plaintiff files an amended complaint.
- 7 2. Defendants file motions to dismiss it without leave to amend.
- 8 3. **To avoid a ruling on the motions and possible dismissal without leave,**
9 Plaintiff files a new amended complaint. Like all the previous complaints,
10 the new one is defective.

11 (As shown below, Plaintiff's proposed Fifth Amended Complaint is
12 even more defective than his Fourth.)

- 13 4. Defendants file motions to dismiss without leave to amend.
- 14 5. **Again, to avoid a ruling on those motions and dismissal without leave,**
15 Plaintiff files yet another defective amended complaint.
- 16 6. Defendants file motions to dismiss without leave.
- 17 7. **Again, to avoid a ruling on the motions and possible dismissal without**
18 **leave,** Plaintiff files yet another amended complaint.
- 19 8. And so on, and so on.

20 The Court should not allow Plaintiff to avoid a ruling on the pending motions
21 to dismiss with prejudice, without leave to amend, but allowing Plaintiff to file a
22 Fifth Amended Complaint would allow Plaintiff to do just that.

23
24 **B. PLAINTIFF'S PROPOSED FIFTH AMENDED COMPLAINT IS**
25 **EVEN MORE DEFECTIVE THAN HIS FOURTH AMENDED**
26 **COMPLAINT.**

27 First, note that Plaintiff has now filed two proposed Fifth Amended
28 Complaints, ECF 310-1 filed May 19, 2025, and ECF 313, filed May 22, 2025. This

1 is typical of Plaintiff, who invariably wastes the time and efforts of the Court and
2 the Defendants by filing “errata,” corrections, clarifications and the like nearly every
3 time he files anything.

4 In any event, both of Plaintiff’s two proposed Fifth Amended Complaints are
5 more defective than his Fourth Amended Complaint. The Court has issued several
6 orders dismissing plaintiff’s complaints, ruling that they were too long, among other
7 things:

- 8 a. Order Dismissing Complaint, ECF 286: “First, the Complaint is
9 extraordinarily long” (p. 4, 2nd paragraph).
- 10 b. Order Dismissing First Amended Complaint, ECF 45: “Hill’s
11 FAC—though substantially shorter than the original Complaint—is
12 still prolix, rambling, and **excessively long at 75 pages**” (p. 8, 3rd
13 full paragraph, emph. added).
- 14 c. Interim Report and Recommendation of United States Magistrate
15 Judge, ECF 132, later adopted by District Judge: “The most recent
16 Second Amended Complaint is significantly longer than the First
17 Amended Complaint dismissed by the District Judge (ECF 132, p.
18 2, lns. 1-3)

19 If the face of those orders, Plaintiff now proposes two different Fifth
20 Amended Complaints, both of which are even longer than his Fourth Amended
21 Complaint and longer than the First Amended Complaint the Court ruled was
22 “excessively long at 75 pages” (paragraph b. above).

23 Plaintiff’s **Fourth** Amended Complaint is 181 pages long, with 72 pages of
24 allegations and the rest exhibits.

25 Plaintiff’s initial proposed **Fifth** Amended Complaint (ECF 310-1) is 186
26 pages, with 77 pages of allegations and the rest exhibits. (The 75 pages of the first
27 amended complaint were allegations, without exhibits).

1 Plaintiff's "Corrected Proposed **Fifth** Amended Complaint (ECF 313) is also
2 186 pages long, also with 77 pages and the rest exhibits.

3 //

4 In addition, the District Judge and Magistrate Judge's have also criticized
5 Plaintiff's amended complaints for improper use of incorporation. (ECF 132, p. 15,
6 Ins. 24-25; ECF 37, p.3, quotation paragraph and p. 4, penultimate paragraph, first
7 sentence; ECF 45, p. 8, third full paragraph.)

8 Nevertheless, Plaintiff's proposed Fifth Amended Complaints, both of them,
9 defy the Court's criticisms of improper incorporation.

10 •The Second Cause of Action incorporates about half of the First Cause of
11 Action, with no apparent rationale for the choice of which paragraphs of the First
12 Cause of Action to incorporate (§ 152).

13 • The Third Cause of Action of this **Fifth** Amended Complaint incorporates
14 over 100 paragraphs from the **Fourth** Amended Complaint. (§ 168).

15 • The Fourth Cause of Action of the first-filed Fifth Amended Complaint:
16 "Plaintiff hereby realleges and incorporates by reference all prior allegations as if
17 fully set forth herein" (ECF 310-1, §242., p. 65.)

18 •The Fourth Cause of Action of the "Corrected" Fifth Amended Complaint
19 does the same thing in different words; it incorporates paragraphs 35 to 210, which
20 are all of the First, Second and Third Causes of Action, and paragraph 210 is in the
21 Fourth Cause of Action itself (§ 210.i).

22 The Court should not allow Plaintiff to escape a ruling on the pending
23 motions to dismiss without leave to amend, to escape a ruling which could rid the
24 Court and the Defendants of this mess of confused and barely intelligible pleadings.

25
26 May 28, 2025

27 _____/s/_____
28 Ira Spiro (sued as Robert Ira Spiro)
Defendant, a Self-Represented Attorney

PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I reside in the State of California, County of Los Angeles. My business address is 10573 West Pico Blvd. #865, Los Angeles, CA 90064.

On the date stated below, I served the document described as **DEFENDANT SPIRO'S STATEMENT of POSITON on PROPOSED FIFTH AMENDED COMPLAINT (per MINUTE ORDER ECF 311)** on the interested parties in this action by placing: ☐ the original ☒ true copies thereof enclosed in sealed envelopes, addressed as follows to interested parties as follows (or as stated on the attached service list):

Todd R.G. Hill
119 Vine Street
Belton, TX 76513

☒ **BY MAIL:** I deposited the envelope(s), with postage prepaid, in the United States Mail (United States Postal Service) at Los Angeles, California.

☒ **BY MAIL PER BUSINESS PRACTICES:** I placed the document(s) in a sealed envelope for collection and mailing following ordinary business practices. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the U.S. Postal Service. Under that practice, the envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

☐ **BY ELECTRONIC TRANSMISSION:** On the date set forth below I caused to be transmitted the document(s) listed above on the parties listed herein at their most recent known e-mail address(s) or e-mail of record in this action before 6:00 p.m. I hereby certify that this document was served from Los Angeles, California.

☐ **BY PERSONAL SERVICE:** I delivered the document, enclosed in a sealed envelope, by hand to the offices of the addressee(s) named herein.

☐ **BY OVERNIGHT DELIVERY:** I am "readily familiar" with this firm's practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up by the carrier at our offices or delivered by our office to a designated collection site.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed May 28, 2025 at Los Angeles, California.

Ira Spiro
Type or Print Name

/s/

Signature